



# NEGATIVE DECLARATION & NOTICE OF DETERMINATION

ATTACHMENT 04

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING

976 OSOS STREET • ROOM 200 • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600

Promoting the Wise Use of Land • Helping to Build Great Communities

FOR OFFICIAL USE ONLY ( )

ENVIRONMENTAL DETERMINATION NO. ED09-267

DATE: March 24, 2011

PROJECT/ENTITLEMENT: Brohaugh Minor Use Permit DRC2009-00109

APPLICANT NAME: Wallace Brohaugh

ADDRESS: 6996 Creston Rd, Paso Robles, CA, 93446

CONTACT PERSON: Kirk Consulting

Telephone: 805-461-5765

PROPOSED USES/INTENT: Request by Wallace Brohaugh for a Minor Use Permit to allow the conversion of an existing 2,000-square foot barn into a winery with a 500 square foot public tasting room. The proposed project includes a request for 6 special events per year, with no more than 80 attendees in addition to wine industry events. The project will result in approximately 3,600 square feet of site disturbance for the primary access and delivery access on a +/- 130 acre site.

LOCATION: The proposed project is within the Agriculture land use category and is located on the north side of Creston Road (at 6992 Creston Road) east of the City of Paso Robles. The site is located in the El Pomar-Estrella planning area.

LEAD AGENCY: County of San Luis Obispo Department  
of Planning & Building  
976 Osos Street, Rm. 200  
San Luis Obispo, CA 93408-2040

Website: <http://www.sloplanning.org>

(ENDORSED)  
**FILED**

MAY 20 2011

JULIE L. RODEWALD COUNTY CLERK  
BY ANGELA MCCORMICK  
DEPUTY CLERK

OTHER POTENTIAL PERMITTING AGENCIES: Environmental Health  
Regional Water Quality Control Board

STATE CLEARINGHOUSE REVIEW: YES ☒ NO ☐

ADDITIONAL INFORMATION: Additional information pertaining to this environmental determination may be obtained by contacting the above Lead Agency address or (805) 781-5600.

COUNTY "REQUEST FOR REVIEW" PERIOD ENDS AT .....4:30 p.m. on April 7, 2011

30-DAY PUBLIC REVIEW PERIOD begins at the time of public notification

## Notice of Determination

State Clearinghouse No. 2011031067

This is to advise that the San Luis Obispo County Planning Dept. Hearing as ☒ Lead Agency  
☐ Responsible Agency approved/denied the above described project on 5-6-11, and has  
made the following determinations regarding the above described project:

The project will not have a significant effect on the environment. A Negative Declaration was prepared for this project pursuant to the provisions of CEQA. Mitigation measures and monitoring were made a condition of the approval of the project. A Statement of Overriding Considerations was not adopted for this project. Findings were made pursuant to the provisions of CEQA.

This is to certify that the Negative Declaration with comments and responses and record of project approval is available to the General Public at the 'Lead Agency' address above.

M. Fisher for Holly Phipps  
Signature Project Manager Name

5-6-11  
Date

County of San Luis Obispo  
Public Agency





# Initial Study Summary – Environmental Checklist

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(ver 3.3) Using Form

Project Title & No. Brohaugh Minor Use Permit ED09-267 DRC2009-00109

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:** The proposed project could have a "Potentially Significant Impact" for at least one of the environmental factors checked below. Please refer to the attached pages for discussion on mitigation measures or project revisions to either reduce these impacts to less than significant levels or require further study.

<input checked="" type="checkbox"/> Aesthetics	<input type="checkbox"/> Geology and Soils	<input type="checkbox"/> Recreation
<input checked="" type="checkbox"/> Agricultural Resources	<input type="checkbox"/> Hazards/Hazardous Materials	<input checked="" type="checkbox"/> Transportation/Circulation
<input checked="" type="checkbox"/> Air Quality	<input checked="" type="checkbox"/> Noise	<input type="checkbox"/> Wastewater
<input type="checkbox"/> Biological Resources	<input type="checkbox"/> Population/Housing	<input checked="" type="checkbox"/> Water
<input type="checkbox"/> Cultural Resources	<input checked="" type="checkbox"/> Public Services/Utilities	<input type="checkbox"/> Land Use

**DETERMINATION:** On the basis of this initial evaluation, the Environmental Coordinator finds that:

- ☐ The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ The proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Ally Smith

Prepared by (Print)

Signature

February 28, 2011

Date

Jeff Oliveira

Reviewed by (Print)

Signature

Ellen Carroll,  
Environmental Coordinator  
(for)

3/16/11  
Date



**Project Environmental Analysis**

The County's environmental review process incorporates all of the requirements for completing the Initial Study as required by the California Environmental Quality Act (CEQA) and the CEQA Guidelines. The Initial Study includes staff's on-site inspection of the project site and surroundings and a detailed review of the information in the file for the project. In addition, available background information is reviewed for each project. Relevant information regarding soil types and characteristics, geologic information, significant vegetation and/or wildlife resources, water availability, wastewater disposal services, existing land uses and surrounding land use categories and other information relevant to the environmental review process are evaluated for each project. Exhibit A includes the references used, as well as the agencies or groups that were contacted as a part of the Initial Study. The Environmental Division uses the checklist to summarize the results of the research accomplished during the initial environmental review of the project.

Persons, agencies or organizations interested in obtaining more information regarding the environmental review process for a project should contact the County of San Luis Obispo Environmental Division, Rm. 200, County Government Center, San Luis Obispo, CA, 93408-2040 or call (805) 781-5600.

**A. PROJECT**

**DESCRIPTION:** Request by Wallace Brohaugh for a Minor Use Permit to allow the conversion of an existing 2,000-square foot barn into a winery with a 500 square foot public tasting room. The proposed project includes a request for 6 special events per year, with no more than 80 attendees in addition to wine industry events. The project will result in approximately 3,600square feet of site disturbance for the primary access and delivery access on a +/- 130 acre site. The proposed project is within the Agriculture land use category and is located on the north side of Creston Road (at 6992 Creston Road) east of the City of Paso Robles. The site is located in the El Pomar-Estrella planning area.

**ASSESSOR PARCEL NUMBER(S):** 035-091-007, 035-081-003

Latitude: 035-091-007 : 35 degrees 34' 28.112" N Longitude: 120 degrees 34' 20.645" W **SUPERVISORIAL DISTRICT # 1**

035-081-003 : Latitude: 35 degrees 34' 22.451" N Longitude: 120 degrees 34' 7.926" W

**B. EXISTING SETTING**

**PLANNING AREA:** El Pomar/Estrella, rural

**LAND USE CATEGORY:** Agriculture

**COMBINING DESIGNATION(S):** None

**EXISTING USES:** Single-family residence(s) accessory structures

**TOPOGRAPHY:** Gently rolling to steeply sloping on property. Project site is relatively flat.

**VEGETATION:** Vineyards

**PARCEL SIZE:** Two parcels totaling +/- 130acres



## SURROUNDING LAND USE CATEGORIES AND USES:

<i>North:</i> Agriculture, Residential Rural; grazing	<i>East:</i> Residential Rural; Scattered residential
<i>South:</i> Agriculture; Vineyards	<i>West:</i> Agriculture; grazing Scattered residential,

**C. ENVIRONMENTAL ANALYSIS**

During the Initial Study process, several issues were identified as having potentially significant environmental effects (see following Initial Study). Those potentially significant items associated with the proposed uses can be minimized to less than significant levels.

**COUNTY OF SAN LUIS OBISPO  
INITIAL STUDY CHECKLIST**

1.	<b>AESTHETICS - Will the project:</b>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a)	Create an aesthetically incompatible site open to public view?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Introduce a use within a scenic view open to public view?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	Change the visual character of an area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	Create glare or night lighting, which may affect surrounding areas?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e)	Impact unique geological or physical features?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f)	Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Setting.** The proposed winery is located approximately 550 feet north of Creston Road and approximately 6 miles east of the City of Paso Robles. The surrounding area is dominated by agricultural uses such as vineyards, grazing, agricultural accessory uses, and single-family residences. The topography of the area consists of gently rolling to steeply sloping hills.

Currently the site is developed with two single-family homes and agriculture accessory buildings including a 2,000 square foot barn. The barn proposed to be converted to a winery is screened from Creston Road by existing oak trees and by residential structures.

**Impact.** The project proposes to convert an existing agricultural barn into a wine facility with public tasting. The proposed project will not be visible from any major public roadway or silhouette against any ridgelines as viewed from public roadways. However, the installation of additional night lighting has the potential to create off-site glare. Based on the location, size, and design, the project is considered compatible with the surrounding area.

**Mitigation/Conclusion.** Standard county regulations require shielding of exterior lighting to minimize



glare. As required by the ordinance, the project will be conditioned for an exterior lighting plan to ensure that the project does not create off-site glare.

The applicant shall comply with existing county regulations regarding shielding exterior lighting. Based on implementation of these measures, potential visual impacts will be less than significant.

## 2. AGRICULTURAL RESOURCES

- Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Convert prime agricultural land to non-agricultural use?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Impair agricultural use of other property or result in conversion to other uses?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) <i>Conflict with existing zoning or Williamson Act program?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Other: _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Setting.** The property is partially surrounded to the north and east with single-family residences on large lots (Paso Robles Orchards, Tract No. 1) that range in size from 9 to 15 acres and that are located in the Residential Rural land use category. To the west and south, lots range in size from 40 to 80 acres and are located within the Agriculture land use category. The surrounding area is dominated by agricultural uses such as vineyards, grazing, agricultural accessory uses, and single-family residences.

**Project Elements.** The following area-specific elements relate to the property's importance for agricultural production:

Land Use Category: Agriculture

Historic/Existing Commercial Crops: Vineyards

State Classification: Not prime farmland, Prime Farmland if irrigated

In Agricultural Preserve? Yes

Under Williamson Act contract? Yes

The soil type(s) and characteristics on the subject property include:

Balcom-Nacimiento association (9 – 30% slope).

Balcom. This moderately sloping loamy soil is considered moderately drained. The soil has high erodibility and moderate shrink-swell characteristics, as well as having potential septic system constraints due to: steep slopes, shallow depth to bedrock. The soil is considered Class IV without irrigation and Class IV when irrigated.

Nacimiento. This moderately sloping loamy soil is considered not well drained. The soil has moderate erodibility and moderate shrink-swell characteristics, as well as having potential septic system constraints due to: steep slopes, shallow depth to bedrock, slow percolation. The soil is considered Class IV without irrigation and Class IV when irrigated.

Nacimiento-Los Osos complex (30 - 50 % slope).

Nacimiento. This steeply sloping, fine loamy soil is considered not well drained. The soil has moderate erodibility and moderate shrink-swell characteristics, as well as having potential septic



system constraints due to: steep slopes, shallow depth to bedrock, slow percolation. The soil is considered Class IV without irrigation and Class is not rated when irrigated.

Los Osos. This steeply sloping, fine loamy soil is considered not well drained. The soil has moderate erodibility and moderate shrink-swell characteristics, as well as having potential septic system constraints due to: steep slopes, shallow depth to bedrock, slow percolation. The soil is considered Class IV without irrigation and Class is not rated when irrigated.

Rincon clay loam (2 - 9% slope). This gently sloping, fine loamy bottom soil is considered not well drained. The soil has moderate erodibility and moderate shrink-swell characteristics, as well as having potential septic system constraints due to: slow percolation. The soil is considered Class IV without irrigation and Class II when irrigated.

Williamson Act: The parcel was enrolled in a Land Conservation contract (Williamson Act) in 1976. Such contracts limit the use of the property to agricultural uses. The project site is subject to both the Williamson Act and Assembly Bill 1492 (Laird). AB 1492 added Section 51250 to the Government Code, the intent of which is to limit construction of structures on contracted lands to uses that are directly related to the agricultural use of the land. A use is considered incidental when it is required for or is part of the agricultural use and is valued in line with the expected return of the agriculture on the parcel. AB1492 allows the State Department of Conservation to issue fines and penalties for breaches of contract (e.g., excessive construction of structures or facilities not specific to the agricultural use of the land). Section 51250(b) defines a material breach on land subject to a Williamson Act contract as a commercial, industrial or residential building(s) exceeding 2,500 square feet that is not permissible under the Williamson Act or contract, local uniform rules or ordinances. According to the Agriculture Department, the State considers wineries and associated tasting rooms to be consistent with AB 1492.

The applicant has filled out and submitted a "Landowners Statement of Compliance with the Williamson Act". The applicant has indicated that the activity, use or structures as proposed will not adversely affect on-site or adjacent farming operations and understands that it the owner's sole responsibility to ensure that all activities and uses on this parcel are in compliance with the provisions of the Williamson Act.

**Impact.** The applicant is requesting to convert an existing 2,000 square foot agriculture exempt barn into a winery and tasting facility. The proposed project includes a request for 6 special events per year, with no more than 80 attendees in addition to wine industry events. The proposed project will not require the construction of any new buildings because it will utilize existing structures. The access will be via an existing driveway that is 18 to 20 feet in width.

The County Land Conservation Specialist (Terry Wahler) has reviewed the proposed project (September 22, 2010) for compliance with the Williamson Act contract. Wineries, tasting rooms, and special events are considered "compatible land uses". The proposed project is considered to be in compliance with their Williamson Act contract.

The Agriculture Department has reviewed the proposed project. The Agricultural Department identified potential impacts to agriculture based on non-agricultural waters usage, and conversion of portions of the site to non-agricultural related uses (e.g. parking area). The Department determined that the proposed project would have less than a significant impact to agricultural resources or operations (Michael Isensee, September 28, 2010) with the incorporation of mitigations to minimize any impacts to agriculture and conform to policies.

**Mitigation/Conclusion.** Mitigation measures recommended by the Agriculture Department include:

- Preclude lawn/turf areas
- Minimize irrigated landscaping



- Ensure parking to remain unimproved

The applicant shall comply with existing county regulations regarding the required parking standards. Existing screening from Creston Road is provided from existing oaks, vineyards, and residential structures, so additional landscaping is not necessary. Any landscaping associated with the project shall be drought tolerant and shall incorporate the use of drip irrigation for watering purposes. No lawn/turf areas shall be used. Based on implementation of these measures, potential agriculture impacts would be less than significant. The applicant has agreed to incorporate the above mitigations into the project. Refer to Exhibit B – Mitigation Summary Table for mitigation details.

3. AIR QUALITY - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Violate any state or federal ambient air quality standard, or exceed air quality emission thresholds as established by County Air Pollution Control District?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Expose any sensitive receptor to substantial air pollutant concentrations?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Create or subject individuals to objectionable odors?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Be inconsistent with the District's Clean Air Plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Setting.** The Air Pollution Control District (APCD) has developed the 2009 CEQA Air Quality Handbook to evaluate project specific impacts and help determine if air quality mitigation measures are needed, or if potentially significant impacts could result. To evaluate long-term emissions, cumulative effects, and establish countywide programs to reach acceptable air quality levels, a Clean Air Plan has been adopted (prepared by APCD).

The soils on the project site have been given a wind erodibility rating of 5 and 6 which is considered moderate to moderately high.

**Impact.** As proposed, the project will result in the disturbance of approximately 3,600 square feet. This will result in the creation of construction dust, as well as short- and long-term vehicle emissions. As identified by the APCD, air quality impacts during construction include: the creation of fugitive dust (PM<sub>10</sub>), the potential release of naturally occurring asbestos during grading, and unpermitted developmental burning.

Fugitive Dust (PM<sub>10</sub>). Implementation of the proposed project would result in the generation of dust, potentially affecting local residents and businesses in close proximity to the project site. Dust complaints could result in violation of the APCD's nuisance rules, a potentially significant air quality impact.



**Developmental Burning.** On February 5, 2000, the APCD prohibited developmental burning of vegetable material within San Luis Obispo County; however, in certain situations where no technically feasible alternative is available, limited burning under restrictions may be allowed. Unregulated burning would result in a potentially significant air quality impact.

**Odor Control.** As proposed, the project could have the potential to generate nuisance odors during various steps in the wine process. The applicant is not proposing any agricultural ponds. The applicant will be using storage tanks therefore odor is not an issue.

The tasting area will attract an anticipated 1.4 peak hour trips with 10-20 daily trips. The winery is proposing to participate in 6 winery special events per year with no more than 80 guests at each event, which has the potential for significant impacts.

The California Air Resources Board (CARB) defined unpaved road emission rate, unmitigated operational impacts resulting from event traffic on unpaved roads would significantly exceed 25 pounds of particulate matter (PM<sub>10</sub>) per day (lbs/day).

The APCD's CEQA significance threshold for operational fugitive dust impacts is 25 lbs/day for this pollutant. In addition, fugitive dust impacts could be a nuisance to local residents and businesses in close proximity to the unpaved road. Dust complaints could result in a violation of the APCD's 402 "Nuisance" Rule.

**Mitigation/Conclusion.** As a result of the estimated threshold exceedence and to minimize nuisance impacts, this project must implement the following mitigation:

On the day that a special event shall occur, implement the following measures to ensure that fugitive dust emissions do not exceed the 20% opacity limit identified in APCD's 401 "Visible Emissions" rule and such that offsite dust emissions from the site do not occur:

- a. Designated parking locations shall be:
  1. Paved when possible;
  2. Sited in grass or low cut dense vegetative areas; or,
  3. Treated with a dust suppressant such that fugitive dust emissions do not impact offsite areas and do not exceed the APCD 20% opacity limit (see attached list).
- b. Any unpaved roads/driveways that will be used for the special event shall be maintained with an APCD-approved dust suppressant such that fugitive dust emissions do not impact offsite areas and do not exceed the APCD 20% opacity limit.

The applicant may propose alternative measures of equal effectiveness by contacting the APCD Planning Division.

In addition to the unpaved driveway mitigation, this project is also subject to the following standard operational phase air quality mitigation measures:

**Operational Permit Requirements:**

Operational sources may require APCD permits. The following list is provided as a guide to equipment and operations that may have permitting requirements, but should not be viewed as exclusive. For a more detailed listing, refer to page A-5 in the District's CEQA Handbook.

- Portable generators and equipment with engines that are 50 hp or greater;
- Electrical generation plants or the use of standby generator;
- Boilers;
- Internal combustion engines; and
- Cogeneration facilities.



Refer to Exhibit B - Mitigation Summary Table for mitigation details.

4. BIOLOGICAL RESOURCES - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Result in a loss of unique or special status species or their habitats?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Reduce the extent, diversity or quality of native or other important vegetation?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Impact wetland or riparian habitat?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Introduce barriers to movement of resident or migratory fish or wildlife species, or factors, which could hinder the normal activities of wildlife?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Setting.** The following are existing elements on or near the proposed project relating to potential biological concerns:

On-site Vegetation: Grassland, Blue Oak Woodland

Name and distance from blue line creek(s): An unnamed "blue line" tributary to Huerhuero Creek courses through the subject property.

Habitat(s): Blue Oak Woodland

Blue oak woodlands total approximately 68,500 acres in San Luis Obispo County. They are typically found in the foothills bordering hot interior valleys of the county below the 3,500-foot elevation. Common bordering habitats are grassland and chaparral communities. The deciduous blue oak (*Quercus douglasii*) is the dominant species. Other tree species commonly found in this habitat include: gray pine, coast live oak, valley oak, and interior live oak. Historic threats to this woodland include: rangeland clearing, urban conversion, firewood, and poor regeneration due to grazing and competition with non-native vegetation.

Site's tree canopy coverage: Approximately < 10 %.

The Natural Diversity Database (or other biological references) identified the following species potentially existing within approximately one mile of the proposed project:

South/Central Coast Steelhead Trout (*Oncorhynchus mykiss*) has been found about .67 mile to the northeast. South/Central Coast Steelhead Trout is considered federally threatened and a California species of Special Concern. This species require cool, deep pools for holding through the summer, prior to spawning in the winter. Generally they are found in shallow areas, with cobble or boulder bottoms at the tails of pools. This species is threatened by water quality degradation (e.g., siltation, urban and agricultural pollutants), loss of riparian vegetation, and low instream flows resulting from water diversion, ground water pumping and periodic drought.



**Impact.** The applicant proposes to convert an existing barn to a winery facility. An unnamed "blue line" tributary to Huerhuero Creek courses through the subject property, but is located +1,500 feet from the project site. Biological resources would not be significantly affected by the proposed project.

**Mitigation/Conclusion.** No significant biological impacts are expected to occur, and no mitigation measures are necessary.

5. CULTURAL RESOURCES - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Disturb pre-historic resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Disturb historic resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Disturb paleontological resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Setting.** The project is located in an area historically occupied by the Obispeno Chumash and Salinan. Land Use Ordinance (LUO Sec. 22.94.010) states that any proposed development in the El Pomar-Estrella planning area that is within 100 feet of the bank of a creek must conduct a preliminary site survey to determine the likelihood of existing resources. No historic structures are present and no paleontological resources are known to exist in the area.

No specific archaeological reports have been prepared within ¼ mile of the subject property.

**Impact.** The project is not located in an area that would be considered culturally sensitive due to lack of physical features typically associated with prehistoric occupation. An unnamed "blue line" tributary to Huerhuero Creek courses through the subject property, but is located +1,500 feet from the project site. No evidence of cultural materials was noted on the property. Impacts to historical or paleontological resources are not expected, but mitigation measures may be required based on the results of the preliminary site survey.

**Mitigation/Conclusion.** No significant cultural resource impacts are expected to occur, and no mitigation measures are necessary if the preliminary site survey determines that there will be no significant effects on an existing, known or suspected archaeological resource. In the event that archaeological resources are found on the site, construction activities shall cease, the discovery shall be recorded, and artifacts shall be preserved in accordance with the state and federal law. In the event that human remains are found, the County Coroner shall be notified.

6. GEOLOGY AND SOILS - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Result in exposure to or production of unstable earth conditions, such as landslides, earthquakes, liquefaction, ground failure, land subsidence or other similar hazards?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>



6. GEOLOGY AND SOILS - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
b) <i>Be within a California Geological Survey "Alquist-Priolo" Earthquake Fault Zone"?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) <i>Result in soil erosion, topographic changes, loss of topsoil or unstable soil conditions from project-related improvements, such as vegetation removal, grading, excavation, or fill?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Change rates of soil absorption, or amount or direction of surface runoff?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Include structures located on expansive soils?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Change the drainage patterns where substantial on- or off-site sedimentation/ erosion or flooding may occur?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) <i>Involve activities within the 100-year flood zone?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) <i>Be inconsistent with the goals and policies of the County's Safety Element relating to Geologic and Seismic Hazards?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) <i>Preclude the future extraction of valuable mineral resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Setting

GEOLOGY - The following relates to the project's geologic aspects or conditions:

Topography: Gently rolling to steeply sloping on property. Project site is relatively flat.

Within County's Geologic Study Area?: No

Landslide Risk Potential: Low to moderate

Liquefaction Potential: Low to moderate

Nearby potentially active faults?: No Distance? Not applicable

Area known to contain serpentine or ultramafic rock or soils?: No

Shrink/Swell potential of soil: Low to moderate

Other notable geologic features? None

DRAINAGE – The following relates to the project's drainage aspects:

Within the 100-year Flood Hazard designation? No



Closest creek? Unnamed tributary to Huerhuero Creek

Distance? On property

Soil drainage characteristics: Moderately drained to not well drained

For areas where drainage is identified as a potential issue, the Land Use Ordinance (LUO Sec. 22.52.080) includes a provision to prepare a drainage plan to minimize potential drainage impacts. When required, this plan would need to address measures such as: constructing on-site retention or detention basins, or installing surface water flow dissipaters. This plan would also need to show that the increased surface runoff would have no more impacts than that caused by historic flows.

**SEDIMENTATION AND EROSION** – Soil type, amount of disturbance and slopes are key aspects to analyzing potential sedimentation and erosion issues. The project's soil types and descriptions are listed in the previous Agriculture section under "Setting". As described in the NRCS Soil Survey, the project's soil erodibility is as follows:

Soil erodibility: Low

When highly erosive conditions exist, a sedimentation and erosion control plan is required (LUO Sec. 22.52.090) to minimize these impacts. When required, the plan is prepared by a civil engineer to address both temporary and long-term sedimentation and erosion impacts. Projects involving more than one acre of disturbance are subject to the preparation of a Storm Water Pollution Prevention Plan (SWPPP), which focuses on controlling storm water runoff. The Regional Water Quality Control Board is the local extension who monitors this program.

**Impact.** The proposed project is to convert the existing 2,000-square foot barn into a winery and tasting facility. It is not expected that grading will be required on the existing roads and ample area around the structure already exists for parking. There is an unnamed stream that runs through the subject property, however this stream is located a substantial distance from the area proposed for disturbance.

**Mitigation/Conclusion.** There is no evidence that measures above what will already be required by ordinance or codes are needed.

## 7. HAZARDS & HAZARDOUS MATERIALS - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Result in a risk of explosion or release of hazardous substances (e.g. oil, pesticides, chemicals, radiation) or exposure of people to hazardous substances?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Interfere with an emergency response or evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Expose people to safety risk associated with airport flight pattern?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Increase fire hazard risk or expose people or structures to high fire hazard conditions?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create any other health hazard or potential hazard?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>



**Setting.** The project is not located in an area of known hazardous material contamination. The project is not within the Airport Review area.

With regards to potential fire hazards, the subject project is within the "high" Fire Hazard Severity Zone. Based on the County's fire response time map, it will take approximately 10-15 minutes to respond to a call regarding fire or life safety. Refer to the Public Services section for further discussion on Fire Safety impacts.

CAL FIRE prepared a Fire Safety Plan (Clint Bullard, July 7, 2010) to address potential fire safety concerns. As conditioned, the applicant shall implement the Fire Safety Plan and operate the temporary events in full compliance with all requirements. No additional mitigations are required.

**Impact.** The project does not propose the use of hazardous materials. The project does not present a significant fire safety risk. The project is not expected to conflict with any regional evacuation plan.

**Mitigation/Conclusion.** No significant impacts as a result of hazards or hazardous materials are anticipated, and no mitigation measures are necessary.

8. NOISE - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Expose people to noise levels that exceed the County Noise Element thresholds?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Generate increases in the ambient noise levels for adjoining areas?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) <i>Expose people to severe noise or vibration?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Setting.** The project is not within close proximity of loud noise sources, and will not conflict with any sensitive noise receptors (e.g., residences). Based on the Noise Element's projected future noise generation from known stationary and vehicle-generated noise sources, the project is within an acceptable threshold area.

**Impact.** The applicant is requesting to participate in six special events per year with no more than 80 guests at each event. The winery will also participate in periodic industry-wide events as currently allowed by the LUO. Noise impacts can occur as a result of amplified music if the events occur in close proximity to sensitive receptors (e.g. residences). The location of the special events is located in the middle of the approximately 130 acre project site. No sensitive receptors are located within close proximity, no impacts are anticipated.

**Mitigation/Conclusion.** Any special event with amplified music shall only be allowed from 10 a.m. to 5 p.m. No outside amplified music shall occur before 10 a.m. or after 5 p.m. The project shall comply with the County Noise Element. Refer to Exhibit B – Mitigation Summary Table for Details.



**9. POPULATION/HOUSING -***Will the project:*Potentially  
SignificantImpact can  
& will be  
mitigatedInsignificant  
ImpactNot  
Applicable

- a) *Induce substantial growth in an area either directly or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)?*
- b) *Displace existing housing or people, requiring construction of replacement housing elsewhere?*
- c) *Create the need for substantial new housing in the area?*
- d) *Use substantial amount of fuel or energy?*
- e) *Other: \_\_\_\_\_*

☐☐☒☐☐☐☒☐☐☐☒☐☐☐☒☐☐☐☐☒

**Setting** In its efforts to provide for affordable housing, the county currently administers the Home Investment Partnerships (HOME) Program and the Community Development Block Grant (CDBG) program, which provides limited financing to projects relating to affordable housing throughout the county.

**Impact.** The project will not result in a need for a significant amount of new housing, and will not displace existing housing.

**Mitigation/Conclusion.** No significant population and housing impacts are anticipated, and no mitigation measures are necessary.

**10. PUBLIC SERVICES/UTILITIES -***Will the project have an effect upon, or result in the need for new or altered public services in any of the following areas:*Potentially  
SignificantImpact can  
& will be  
mitigatedInsignificant  
ImpactNot  
Applicable

- a) *Fire protection?*
- b) *Police protection (e.g., Sheriff, CHP)?*
- c) *Schools?*
- d) *Roads?*
- e) *Solid Wastes?*
- f) *Other public facilities?*
- g) *Other: \_\_\_\_\_*

☐☒☐☐☐☒☐☐☐☐☒☐☐☒☐☐☐☒☐☐☐☐☒☐☐☐☐☒

**Setting.** The project area is served by the following public services/facilities:



Police: County Sheriff

Location: Templeton Approximately 7.5 miles to the southwest

Fire: Cal Fire (formerly CDF)

Hazard Severity: High

Response Time: 10-15 minutes

Location: Approximately 4.4 miles to the southeast

School District: Paso Robles Joint Unified School District.

**Impact.** No significant project-specific impacts to utilities or public services were identified. This project, along with others in the area, will have a cumulative effect on police and fire protection, and schools. The project's direct and cumulative impacts are within the general assumptions of allowed use for the subject property that was used to estimate the fees in place.

**Mitigation/Conclusion.** Regarding cumulative effects, public facility (county) and school (State Government Code 65995 et seq.) fee programs have been adopted to address this impact, and will reduce the cumulative impacts to less than significant levels.

11. RECREATION - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Increase the use or demand for parks or other recreation opportunities?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Affect the access to trails, parks or other recreation opportunities?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Other</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Setting.** The County's Parks and Recreation Element does not show that a potential trail goes through the proposed project. The project is not proposed in a location that will affect any trail, park, recreational resource, coastal access, and/or Natural Area.

**Impact.** The proposed project will not create a significant need for additional park, Natural Area, and/or recreational resources.

**Mitigation/Conclusion.** No significant recreation impacts are anticipated, and no mitigation measures are necessary.

12. TRANSPORTATION/ CIRCULATION - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Increase vehicle trips to local or areawide circulation system?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Reduce existing "Levels of Service" on public roadway(s)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Create unsafe conditions on public roadways (e.g., limited access, design features, sight distance, slow vehicles)?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



12. TRANSPORTATION/ CIRCULATION - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
d) Provide for adequate emergency access?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Result in inadequate internal traffic circulation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., pedestrian access, bus turnouts, bicycle racks, etc.)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) Result in a change in air traffic patterns that may result in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Setting.** The county has established the acceptable Level of Service (LOS) on roads for this rural area as "C" or better. The existing road network in the area including the project's access street(s) (Creston Road) is operating at acceptable levels. Based on existing road speeds and configuration (vertical and horizontal road curves), sight distance is considered acceptable.

**Impact.** The tasting area is estimated to generate about 10-20 trips per day. Wine tasting is proposed from 10:00 a.m. to 6:00 p.m. daily. This small amount of additional traffic will not result in a significant change to the existing road service or traffic safety levels.

The winery will process grapes from on-site and off-site. The proposed facility will produce no more than 5,000 cases of wine per year. This small amount of additional traffic as a result of the proposed project will not result in a significant change to the existing road service or traffic safety levels. The proposed project was referred to County Public Works for review and Cal Trans.

Public Works did not identify any significant concerns (October 29, 2010). Public Works responded with a request for road improvements at the proposed driveway intersection with Creston Road to manage truck and wine tasting, and special events to include the following but not limited to:

- Approach and acceleration tapers on the property frontage;
- Paved driveway approach;
- Gates shall be 75 feet from the traveled way of Creston Road;
- These actions will require an Encroachment Permit issued by Public Works.

**Mitigation/Conclusion.** The applicant has agreed to implement road improvements required by Public Works. Refer to Exhibit B – Mitigation Summary Table for details.



13. WASTEWATER - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Violate waste discharge requirements or Central Coast Basin Plan criteria for wastewater systems?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Change the quality of surface or ground water (e.g., nitrogen-loading, day-lighting)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Adversely affect community wastewater service provider?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Setting.** The project proposes to use on-site systems, as its means to dispose of wastewater. Based on Natural Resource Conservation Service (NRCS) Soil Survey map, the soil type(s) for the project is provided in the listed in the previous Agricultural Resource section. The main limitation(s) of this soil for wastewater effluent include:

--**slow percolation**, where fluids will percolate too slowly through the soil for the natural processes to effectively break down the effluent into harmless components. The Basin Plan identifies the percolation rate should be greater than 30 and less than 120 minutes per inch.

Regulations and guidelines on proper wastewater system design and criteria are found within the County's Plumbing Code (hereafter CPC; see Chapter 7 of the Building and Construction Ordinance [Title 19]), the "Water Quality Control Plan, Central Coast Basin" (Regional Water Quality Control Board [RWQCB] hereafter referred to as the "Basin Plan"), and the California Plumbing Code. These regulations include specific requirements for both on-site and community wastewater systems.

**Impacts.** The winery will use two wastewater systems, one for domestic waste and one for process waste. For domestic wastewater, it is required that the leach lines be located at least 100 feet from any private well and at least 200 from any community/public well. Based on the proposed project, adequate area appears available for an on-site system. To achieve compliance with the Central Coast Basin Plan, additional information will be needed prior to issuance of a building permit that can show the leach area can adequately percolate to achieve this threshold.

Production of 5,000 cases will generate a peak crush period process wastewater flow of approximately 402 gallons per day. The process wastewater will be collected, stored, and subsequently land applied using application rates and methods consistent with the General Winery Waste Discharger Requirements. A small winery wastewater waiver will be applied for with Regional Water Quality Control Board.

**Mitigation.** The leach lines shall be located at least 100 feet from any private well and at least 200 from any community/public well.

Prior to building permit issuance and/or final inspection of the wastewater system, the applicant will need to show the county compliance with the Central Coast Basin Plan, including any above-discussed information relating to potential constraints, which should provide adequate measures to reduce potential groundwater quality impacts to less than significant levels. The RWQCB will conduct final review and approval of the wastewater disposal system.



Prior to the issuance of construction permits, the applicant shall contact the Environmental Health Department to verify septic system adequacy as needed for proposed use. The system should be evaluated for capacity to handle back to back maximum sized events. Restrooms facility shall be in conformance with industry standards (the use of portable potties). No additional mitigation measures beyond standard requirements are necessary.

14. WATER - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Violate any water quality standards?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Discharge into surface waters or otherwise alter surface water quality (e.g., turbidity, temperature, dissolved oxygen, etc.)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Change the quality of groundwater (e.g., saltwater intrusion, nitrogen-loading, etc.)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Change the quantity or movement of available surface or ground water?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Adversely affect community water service provider?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Setting.** The project proposes to use (an on-site well) as its water source. The Environmental Health Division has reviewed the project for water availability and has determined that there is preliminary evidence that there will be sufficient water available to serve the proposed project. The project site is within the "Estrella/Creston area of concern" area of the Paso Robles Groundwater Basin, which is the portion of the basin experiencing rapidly declining groundwater basins. However, it is outside the area in which the highest decline is occurring.

The topography of the project is nearly level. The closest creek from the proposed development is an unnamed blue line tributary to Huerhuero Creek. As described in the NRCS Soil Survey, the soil surface is considered to have low erodibility. The subject property is within the Paso Robles groundwater basin.

Projects involving more than one acre of disturbance are subject to preparing a Storm Water Pollution Prevention Plan (SWPPP) to minimize on-site sedimentation and erosion. When work is done in the rainy season, the County Ordinance requires that temporary sedimentation and erosion control measures be installed during the rainy season.

**Impact.** Based on the project description, as calculated on the County's water usage worksheet, the project's water usage is estimated as follows:

Indoor: 0.16 acre feet/year (AFY);  
 Outdoor: 0.15 AFY  
 Winery: 0.38 AFY  
 Total Use: 0.69 AFY



Sources used for this estimate include one or more of the following references: County's Land Use Ordinance, 2000 Census data, Pacific Institute studies (2003), City of Santa Barbara Water Demand Factor & Conservation Study 'User Guide' (1989).

The estimated water usage is approximately 402 gallons per day for the production of 5,000 cases. The process wastewater will be collected, stored, and subsequently land applied using application rates and methods consistent with the General Winery Waste Discharger Requirements to conserve water usage. To conserve water resources, no lawn/turf will be used. Total water usage is estimated at 0.69 AFY, which is not a significant amount of water.

**Mitigation/Conclusion.** Since no potentially significant water quantity or quality impacts were identified, no specific measures above standard requirements have been determined necessary. Standard drainage and erosion control measures will be required for the proposed project and will provide sufficient measures to adequately protect surface water quality.

<b>15. LAND USE - Will the project:</b>	<b>Inconsistent</b>	<b>Potentially Inconsistent</b>	<b>Consistent</b>	<b>Not Applicable</b>
a) <i>Be potentially inconsistent with land use, policy/regulation (e.g., general plan [county land use element and ordinance], local coastal plan, specific plan, Clean Air Plan, etc.) adopted to avoid or mitigate for environmental effects?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Be potentially inconsistent with any habitat or community conservation plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Be potentially inconsistent with adopted agency environmental plans or policies with jurisdiction over the project?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Be potentially incompatible with surrounding land uses?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Setting/Impact.** Surrounding uses are identified on Page 2 of the Initial Study. The proposed project was reviewed for consistency with policy and/or regulatory documents relating to the environment and appropriate land use (e.g., County Land Use Ordinance, Local Coastal Plan, etc.). Referrals were sent to outside agencies to review for policy consistencies (e.g., CAL FIRE for Fire Code, APCD for Clean Air Plan, etc.). The project was found to be consistent with these documents (refer also to Exhibit A on reference documents used).

The project is not within or adjacent to a Habitat Conservation Plan area. The project is consistent or compatible with the surrounding uses as summarized on page 2 of this Initial Study.

**Mitigation/Conclusion.** No inconsistencies were identified and therefore no additional measures above what will already be required were determined necessary.



**16. MANDATORY FINDINGS OF SIGNIFICANCE - Will the project:**

Potentially  
Significant

Impact can  
& will be  
mitigated

Insignificant  
Impact

Not  
Applicable

- a) *Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?* ☐ ☐ ☒ ☐
- b) *Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)* ☐ ☒ ☐ ☐
- c) *Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?* ☐ ☐ ☒ ☐

For further information on CEQA or the county's environmental review process, please visit the County's web site at "[www.sloplanning.org](http://www.sloplanning.org)" under "Environmental Information", or the California Environmental Resources Evaluation System at: [http://www.ceres.ca.gov/topic/env\\_law/ceqa/guidelines](http://www.ceres.ca.gov/topic/env_law/ceqa/guidelines) for information about the California Environmental Quality Act.



**Exhibit A - Initial Study References and Agency Contacts**

The County Planning or Environmental Divisions have contacted various agencies for their comments on the proposed project. With respect to the subject application, the following have been contacted (marked with an ☒) and when a response was made, it is either attached or in the application file:

<u>Contacted</u>	<u>Agency</u>	<u>Response</u>
<input checked="" type="checkbox"/>	County Public Works Department	Attached
<input checked="" type="checkbox"/>	County Environmental Health Division	Attached
<input checked="" type="checkbox"/>	County Agricultural Commissioner's Office	Attached
<input type="checkbox"/>	County Airport Manager	Not Applicable
<input type="checkbox"/>	Airport Land Use Commission	Not Applicable
<input checked="" type="checkbox"/>	Air Pollution Control District	Attached
<input type="checkbox"/>	County Sheriff's Department	Not Applicable
<input checked="" type="checkbox"/>	Regional Water Quality Control Board	None
<input type="checkbox"/>	CA Coastal Commission	Not Applicable
<input type="checkbox"/>	CA Department of Fish and Game	Not Applicable
<input checked="" type="checkbox"/>	CA Department of Forestry (Cal Fire)	Attached
<input checked="" type="checkbox"/>	CA Department of Transportation	None
<input type="checkbox"/>	Community Service District	Not Applicable
<input checked="" type="checkbox"/>	Other <u>City of Paso Robles</u>	None
<input type="checkbox"/>	Other _____	Not Applicable

**\*\* "No comment" or "No concerns"-type responses are usually not attached**

The following checked ("☒") reference materials have been used in the environmental review for the proposed project and are hereby incorporated by reference into the Initial Study. The following information is available at the County Planning and Building Department.

<input checked="" type="checkbox"/> Project File for the Subject Application	<input checked="" type="checkbox"/> El Pomar/Estrella Area Plan and Update EIR
<u>County documents</u>	<input type="checkbox"/> Circulation Study
<input type="checkbox"/> Airport Land Use Plans	<u>Other documents</u>
<input checked="" type="checkbox"/> Annual Resource Summary Report	<input checked="" type="checkbox"/> Archaeological Resources Map
<input type="checkbox"/> Building and Construction Ordinance	<input checked="" type="checkbox"/> Area of Critical Concerns Map
<input type="checkbox"/> Coastal Policies	<input checked="" type="checkbox"/> Areas of Special Biological Importance Map
<input checked="" type="checkbox"/> Framework for Planning (Coastal & Inland)	<input checked="" type="checkbox"/> California Natural Species Diversity Database
<input checked="" type="checkbox"/> General Plan (Inland & Coastal), including all maps & elements; more pertinent elements considered include:	<input checked="" type="checkbox"/> Clean Air Plan
<input checked="" type="checkbox"/> Agriculture & Open Space Element	<input checked="" type="checkbox"/> Fire Hazard Severity Map
<input checked="" type="checkbox"/> Energy Element	<input checked="" type="checkbox"/> Flood Hazard Maps
<input checked="" type="checkbox"/> Environment Plan (Conservation, Historic and Esthetic Elements)	<input checked="" type="checkbox"/> Natural Resources Conservation Service Soil Survey for SLO County
<input checked="" type="checkbox"/> Housing Element	<input checked="" type="checkbox"/> Regional Transportation Plan
<input checked="" type="checkbox"/> Noise Element	<input checked="" type="checkbox"/> Uniform Fire Code
<input type="checkbox"/> Parks & Recreation Element	<input checked="" type="checkbox"/> Water Quality Control Plan (Central Coast Basin – Region 3)
<input checked="" type="checkbox"/> Safety Element	<input checked="" type="checkbox"/> GIS mapping layers (e.g., habitat, streams, contours, etc.)
<input checked="" type="checkbox"/> Land Use Ordinance	<input type="checkbox"/> Other _____
<input type="checkbox"/> Real Property Division Ordinance	
<input type="checkbox"/> Trails Plan	
<input type="checkbox"/> Solid Waste Management Plan	



In addition, the following project specific information and/or reference materials have been considered as a part of the Initial Study:

Not Applicable.



## Exhibit B - Mitigation Summary Table

### Agriculture

- AG-1 Any landscaping associated with the project shall be **drought tolerant** and shall incorporate the use of drip irrigation for watering purposes. **No lawn/turf areas shall be used.**

### Air Quality

- AQ-1 Prior to holding any special events, the applicant shall implement one of the following for the unpaved driveway to the primary access to reduce dust emissions:
- a. For the life of the project, pave and maintain the road and driveway; or
  - b. For the life of the project, maintain the unpaved private driveway with a dust suppressant to reduce fugitive dust emissions; or,
  - c. For the life of the project, post speed limit of 15 mph or less.
- AQ-2 The applicant shall implement the following measures prior to holding any temporary events:
- a. For the life of the project, designated parking locations shall be:
    1. Paved when possible;
    2. Sited in grass or low cut dense vegetative areas; or,
    3. Treated with a dust suppressant such that fugitive dust emissions do not impact offsite areas and do not exceed the APCD 20% opacity limit.
  - b. For the life of the project, any unpaved roads/driveways that will be used for the special events shall be maintained with an APCD-approved dust suppressant such that fugitive dust emissions do not impact offsite areas and do not exceed the APCD 20% opacity limit. The applicant may propose alternative measures of equal effectiveness by contacting the APCD Planning Division.
  - c. The applicant shall contact the APCD for specific information regarding operation equipment registration and APCD permits. The applicant shall submit to the Planning Department a copy of a letter of exemption for the above or a copy of any required APCD permits.
- AQ-3 As of February 25, 2000, the APCD prohibits developmental burning of vegetative material within San Luis Obispo County. However, under certain circumstances where no technically feasible alternatives are available, limited developmental burning under restrictions may be allowed. Any such exception must complete the following prior to any burning: APCD approval; payment of fee to APCD based on the size of the project; and issuance of a burn permit by the APCD and the local fire department authority. As a part of APCD approval, the applicant shall furnish them with the study of technical feasibility (which includes costs and other constraints) at the time of application. For any questions regarding these requirements, Karen Brooks of APCD's Enforcement Division may be contacted (805/781-5912).



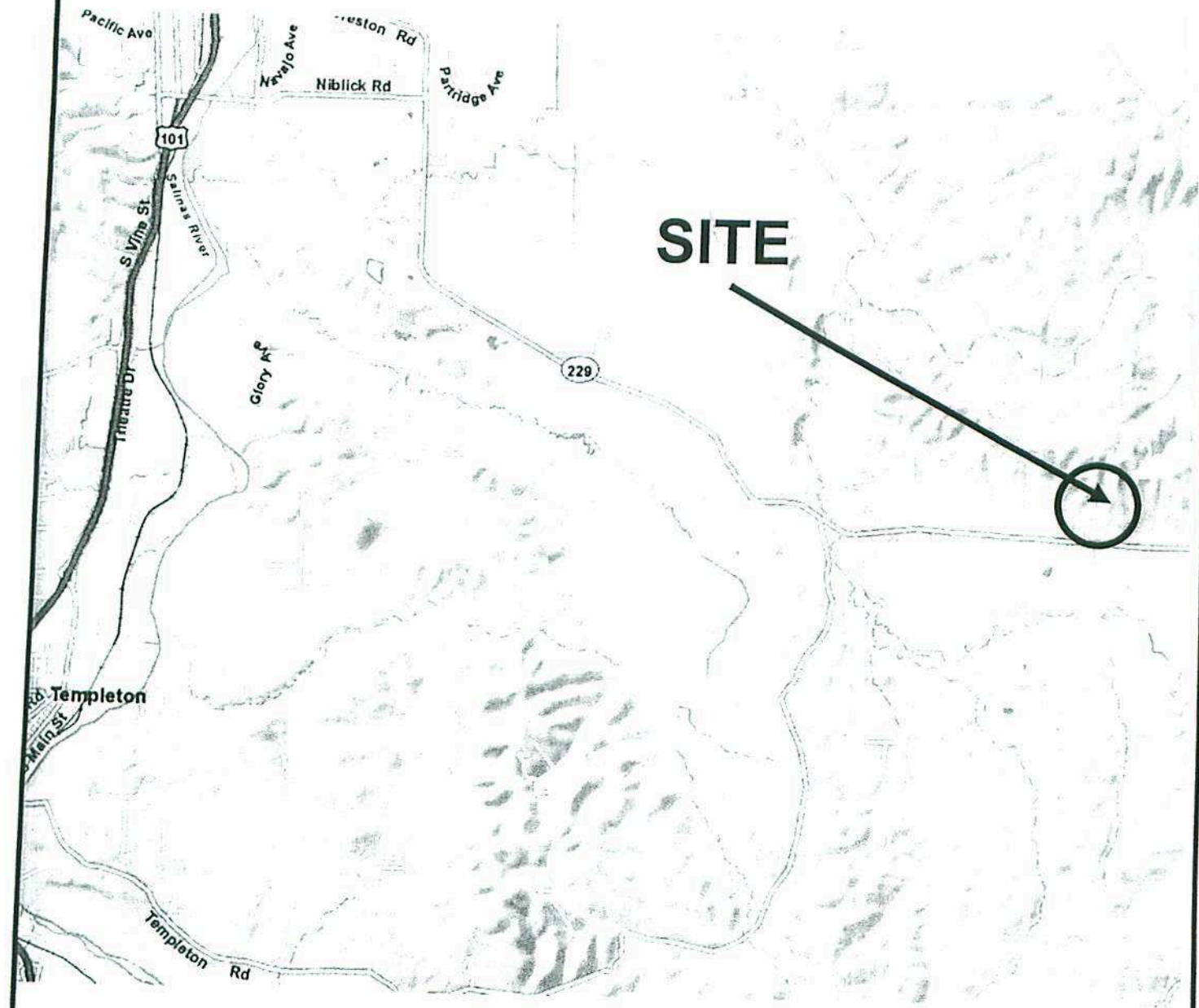
## Noise

- N-1 Any special event with amplified music shall only be allowed from 10 a.m. to 5 p.m. No outside amplified music shall occur before 10 a.m. or after 5 p.m. The project shall comply with the County Noise Element.

## Transportation and Circulation

- TR-1 Prior to occupancy or final inspection, the applicant shall construct County Standard B-1e (High Speed and / or High Volume Driveway) driveways at:
- a. The principal access (westerly) driveway. The gate may be closer than 75 feet from the traveled way of Creston Road, but shall conform to Cal Fire requirements; and
  - b. The winery delivery access (easterly) driveway as shown on the approved site plan. The gate shall be 75 feet from the traveled way of Creston Road.
- TR-2 On-going condition of approval (valid for the life of the project): Any gate constructed on a driveway where off-site grapes are delivered and / or product is exported from the site shall be a minimum of 75 feet from the traveled way of Creston Road.





**PROJECT**

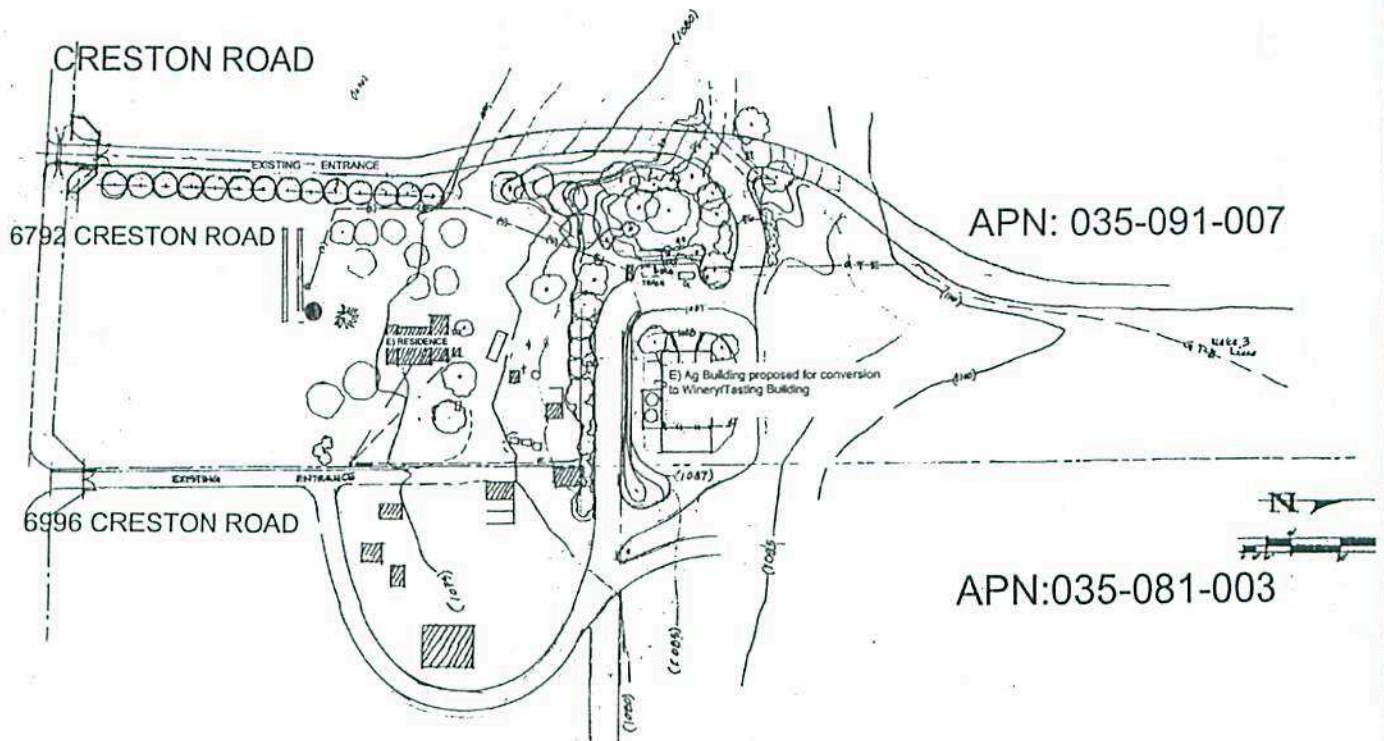
DRC2009-00109 / BROHAUGH  
MINOR USE PERMIT



**EXHIBIT**

VICINITY MAP



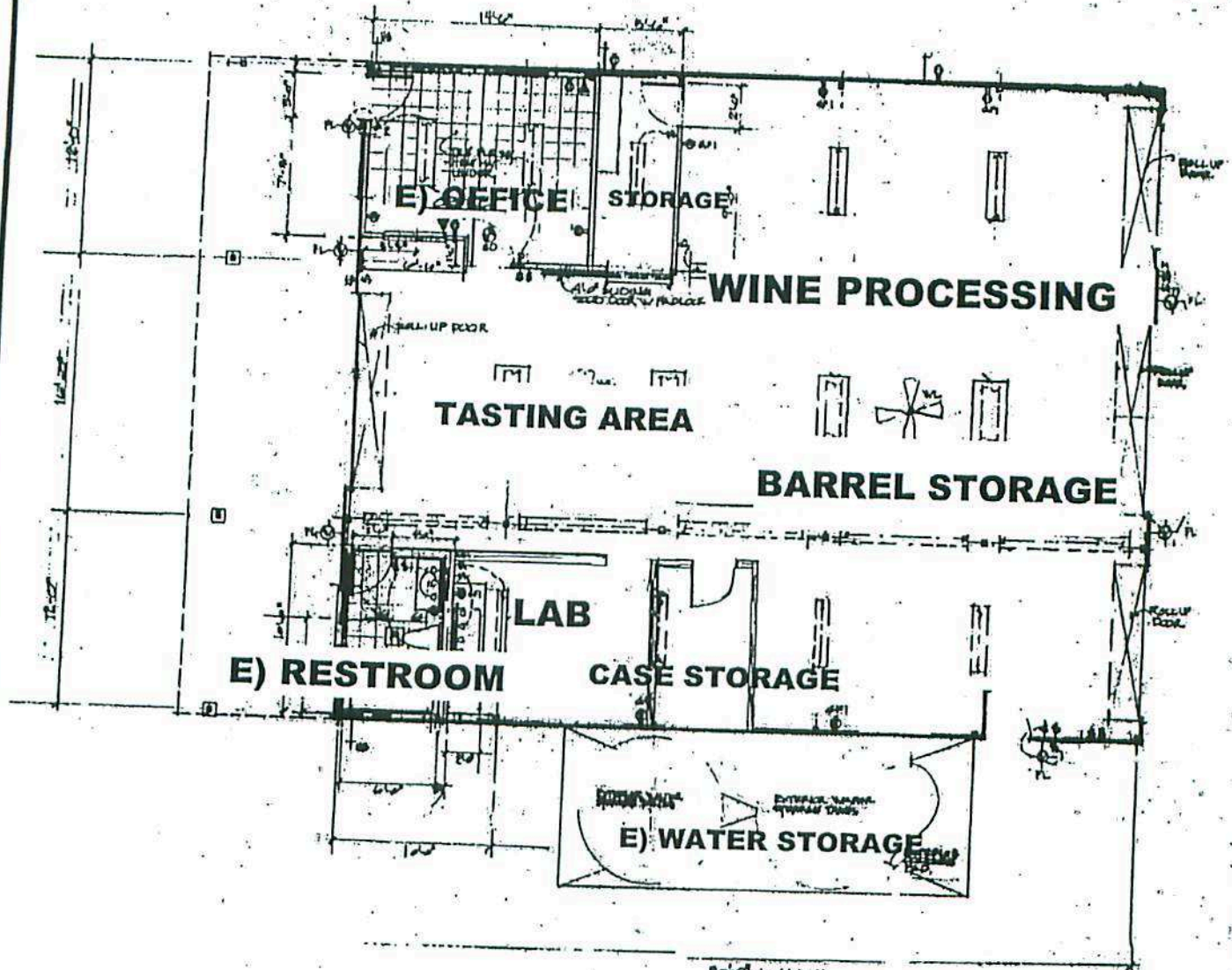
**PROJECT**

DRC2009-00109 / BROHAUGH  
MINOR USE PERMIT

**EXHIBIT**

SITE PLAN





**PROJECT**

DRC2009-00109 / BROHAUGH  
MINOR USE PERMIT



**EXHIBIT**

FLOOR PLANS





SAN LUIS OBISPO COUNTY

## DEPARTMENT OF PLANNING AND BUILDING

THIS IS A NEW PROJECT REFERRAL

RECEIVED

DATE: 7/1/2009

TO: P.W.

JUL - 1 2010

FROM: Holly Phipps, North County Team

BROHAUGH

COUNTY OF SAN LUIS OBISPO  
DEPARTMENT OF PUBLIC WORKS

PROJECT DESCRIPTION: DRC2009-00109 ERICKSON- MUP conversion of an existing AG exempt barn into a winery and tasting room. 130 acre site located off Creston Road in Paso Robles. APN: 035-091-007.

Return this letter with your comments attached no later than: 14 days from receipt of this referral. By 7/15/2010 please.

## PART 1 - IS THE ATTACHED INFORMATION ADEQUATE TO COMPLETE YOUR REVIEW?

☒ YES  
☐ NO

(Please go on to PART II.)

(Call me ASAP to discuss what else you need. We have only 10 days in which we must obtain comments from outside agencies.)

## PART II - ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

☐ YES  
☒ NO

(Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter)

(Please go on to PART III)

## PART III - INDICATE YOUR RECOMMENDATION FOR FINAL ACTION.

Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial.

IF YOU HAVE "NO COMMENT," PLEASE SO INDICATE, OR CALL.

Flood & Drainage reviewed with building permits.  
Recommend approval. See attached comments &  
recommended conditions

10-29-2010  
Date

Sam Taylor  
Name

788-2177  
Phone





ATTACHMENT 04  
SAN LUIS OBISPO COUNTY  
**DEPARTMENT OF PUBLIC WORKS**

Paavo Ogren, Director

---

County Government Center, Room 207 · San Luis Obispo CA 93408 · (805) 781-5252  
Fax (805) 781-1229 email address: [pwd@co.slo.ca.us](mailto:pwd@co.slo.ca.us)

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To: San Luis Obispo County Department of Planning and Building  
Attention: Holly Phipps

From: Sam Taylor Jr.   
Development Services Division  
Project Manager  
(805) 788-2177 - email: [SLTaylor@co.slo.ca.us](mailto:SLTaylor@co.slo.ca.us)

Date: October 29, 2010

Subject: Comments on Referral for: **DRC2009-00109**, Brohaugh, Minor Use Permit for  
Winery with Tasting and Events, Creston Road (035-091-007)

**Discussion**

**PROJECT DESCRIPTION**

The site's Land Use Category: Agriculture

The proposed project is a winery conversion of 2,000 SF of an existing building with:

- A 500 SF tasting room
- Producing no more than 5,000 cases of wine per year
- 6 Special Events per year with no more than 80 persons

**DATE OF ACCEPTANCE FOR PROCESSING**

September 21, 2010

**FLOOD HAZARD & DRAINAGE**

Flood hazard and drainage will be addressed with the building permits.

**ACCESS**

Board of Supervisors Resolution 2008-152 provisions for road improvements for land development projects in rural areas which are not subdivisions, and which will attract general public traffic:

- Road Improvements for general public traffic: 80 event guests x 0.40 = 32 peak hour trips, and there are 1.36 regular operations peak hour trips. Neither events nor regular operations peak hour trips require frontage improvements, but a Roadway Safety Analysis is required.
- Roadway Safety Analysis: In cases where the collision rate is greater than one standard deviation above the average collision rate for rural roads, the RSA shall proceed with an analysis of potential road improvements which would reduce the expected collision rate to acceptable limits. According to Public Works Department

Page 1 of 2



records, there have either been no collisions or the collision rate is less than one standard deviation above the average collision rate for rural roads on Creston Road. Therefore, the requirement for an RSA is satisfied without any additional analysis by a Registered Civil Engineer or Registered Traffic Engineer at the applicant's expense.

- Also, because of the speed and volume of traffic on Creston Road, in accordance with said Resolution, the Public Works Department requested that the applicant provide a focused traffic study to determine if the subject project warrants a left turn pocket for the principal access driveway. After reviewing the Focused Traffic Study, dated September 2, 2010, prepared by Orosz Engineering Group, Inc., the Public Works Department accepts the Study's finding that no left turn lane is warranted by the project. Again because of the speed and volume of traffic on Creston Road, the Public Works Department will recommend that high speed / high volume driveways be constructed as part of this project.

The winery questionnaire states that off-site grapes will be processed. Additionally this is a small winery which will likely require the bottling truck to visit the site. Any project with the potential for large trucks to make deliveries and / or pick-ups should be accessed in a way which allows the vehicles to clear the traveled way of any road open to the public before stopping in a manner which conforms to the California Department of Transportation Design Manual, Topic 205 - Road Connections. Information provided by the applicant states that there are two driveways to the site which will be used for winery operations. The easterly one has an existing gate which will be moved to 75 feet from the edge of traveled way so that it will be used for all winery operational truck traffic. The westerly driveway is to be a shared driveway for use by existing residences and winery visitors; it will be the principal access driveway for the winery - its gate will be closer than 75 feet from the traveled way, but public Works believes to will need to comply with the requirements of Cal Fire.

The following recommendations are consistent with these concerns.

**Recommended conditions for subject project:**

1. **Prior to occupancy or final inspection**, the applicant shall construct County Standard B-1e (High Speed and / or High Volume Driveway) driveways at:
  - a. The principal access (westerly) driveway. The gate may be closer than 75 feet from the traveled way of Creston Road, but shall conform to Cal Fire requirements; and
  - b. The winery delivery access (easterly) driveway as shown on the approved site plan. The gate shall be 75 feet from the traveled way of Creston Road.
2. **On-going condition of approval (valid for the life of the project):** Any gate constructed on a driveway where off-site grapes are delivered and / or product is exported from the site shall be a minimum of 75 feet from the traveled way of Creston Road

File: Planning Department: DRC2009-00109

V:\\_DEVSERVER Referrals\\_Referral Responses\Land Use Permits\Minor Use Permits\DRC09-00109, Brohaugh 20101029\_PW\_Comments.doc









**CAL FIRE**  
**San Luis Obispo**  
**County Fire Department**

635 N. Santa Rosa • San Luis Obispo, CA 93405  
 Phone: 805.543.4244 • Fax: 805.543.4248  
[www.cdfslslo.org](http://www.cdfslslo.org)



Matt Jenkins, Fire Chief

## COMMERCIAL FIRE PLAN REVIEW

July 7, 2010

County of San Luis Obispo  
 Department of Planning and Building  
 County Government Center  
 San Luis Obispo, CA. 93408

Subject: Conversion of an existing "Agricultural Exempt" structure to a winery and tasting room.  
 (DRC2009-00109-Erickson)

Ms. Phipps,

I have reviewed the referral information for the proposed project to convert an existing Agricultural Exempt barn structure to a commercial occupancy (winery with tasting room). This project is located at 6792 Creston Road near Paso Robles, CA. The project is within a "**High**" fire severity zone with a 10-minute response time from the nearest County Fire Station. The project and applicant shall comply with the 2007 California Fire Code (CFC), the 2007 California Building Code (CBC), the Public Resources Code (PRC) and any other applicable fire laws.

### **Roof Coverings:**

The roof type will have to be consistent with the requirements of Chapter 1505 of the 2007 CBC and no less than a "**Class A**" roof.

### **Roof Access:**

- All buildings over 18 feet in height will have fixed laddering at two exterior remote locations or provide landscaping which reduces the ladder access height to 18 feet. The exception to this requirement is if the building has a protected stairway to the roof.
- Buildings must have a protected stairway access to the roof if the building is over 25 feet in height and the building is over 5,000 square feet in area. The stairwell must be accessible from the exterior of the building and at a location approved by the Fire Department. A permanently attached sign must be posted stating "Roof Access".

Exception: Roof access is not required if the roof has a slope steeper than 6 units vertical and 12 units horizontal (50%).

- Buildings over 20,000 square feet in area and over 18 feet in height will have a dry or wet 2-1/2 inch standpipe system which includes a 2-1/2 inch outlet on the roof near the roof access in an approved location. The standpipe fire department connection (FDC) must be labeled and located at a fire department approved location.
- All buildings that are greater than 12,000 square feet in area and that will be used for high piled storage, and buildings of undetermined use capable of high piled storage, will be required to have a smoke and heat removal system as required in Chapter 32 of the 2007 California Fire Code, for Commodity Classifications I-IV.



- Sprinkler systems in buildings that have an undetermined use will require an automatic sprinkler system with a density of no less than that required for an Ordinary Hazard Group 2 use with a minimum design area of 3,000 square feet. For buildings of undetermined use with ceiling heights of over 20 feet, the system shall be designed for density of 0.33 gpm per square foot with a minimum design area of 3,000 square feet.

**Because the existing structure is greater than 1,000 square feet in size and the current request is to conduct commercial operations within a structure designed and built as an "Agricultural Exempt" barn, the applicant shall be required to install a commercial fire sprinkler system within all portions of this structure.**

The **required** commercial fire sprinkler system must be designed and installed in accordance with N.F.P.A. 13. A Registered Fire Protection Engineer shall design the system and three sets of plans shall be provided to CAL FIRE/County Fire for review and approval.

**Fire Flow Requirements outside Community Water Systems:**

- *If it is determined that a draft Rural Water System is applicable and the building is greater than 1,000 square feet requiring a sprinkler system, then NFPA 13 will be used to calculate water storage capacity.*

***The required commercial fire sprinkler system shall be the primary factor in determining the amount of water required to be stored for fire suppression purposes.***

**NOTE:** *It appears that the existing water storage tanks may not meet all relative standards.*

**Water Supply Connection:**

Additional development on site will require the installation of a pressurized fire hydrant system.

Fire hydrants are to be located as outlined in Chapter 5 & Appendix C of the 2007 CFC. Plans shall be submitted to the County Fire Department for approval of the distribution system and hydrant locations. Fire hydrants shall have two, 2 ½ inch outlets with National Standard Fire threads and one 4 inch suction outlet with National Standard Fire threads and comply with County Standard W-1. Each hydrant shall be identified by a blue reflective dot located on a non-skid surface located just off of center on the fire hydrant side. Hydrants must be protected from vehicle impact with the use of curbing or bollards.

**Several gravity drain fire connections shall be sufficient to meet the fire hydrant requirement for the currently proposed project. CAL FIRE/County Fire will assist the applicant with choosing the proper locations to place fire connections on site.**

**Portable Fire Extinguishers:**

Portable fire extinguishers shall be installed in all the occupancies in compliance with the CFC 906 and Title 19. The contractor shall be licensed by the State Fire Marshal.

**Exiting:**

All egress and exiting requirements shall comply with the Chapter 10 of the 2007 California Building Code to provide egress from the building to the public way.

**Building Set Backs:**

A minimum 30-foot setback shall be provided from all property lines, PRC 4290, Section 1276.01.

**Note: Setbacks are subject to County Planning Department approval.**



**Defensible Space and Construction Type:**

Each building site will be built with a "Defensible Space". PRC 4291 requires all structures to provide a 100 foot clearance free of flammable vegetation. This does not mean all vegetation must be removed but that the vegetation shall not provide a means of readily transmitting fire. Building sites should be located so that the structure is not directly above or below a topographic "chimney." The construction type should be designed to withstand a wildfire. This would include a class A roof, unexposed venting, fire resistant exterior walls, unexposed rafters, windows appropriately placed, LPG tanks properly placed, fire resistive decks and balconies, and other fire resistive construction techniques. All landscaping should be of fire resistive plants, preferably natives. **A Wildland Fire/Vegetation Management Plan must be developed and approved by CDF.**

**Commercial Access Road:**

- A commercial access road must be **20 feet** wide.
- Parking is only allowed where an additional 8 feet of width is added for each side of the road that has parking.
- "No Parking - Fire Lane" signs will be required.
- Fire lanes shall be provided as set forth in the California Fire Code Section 503.
- Fire access shall be provided within 150 feet of the outside building perimeter.
- Must be an all weather non-skid paved surface.
- All roads must be able to support a fire engine weighing 40,000 pounds..
- Vertical clearance of 13'6" is required.

**Gates:**

- Must be setback from the road 30 feet from the intersection.
- Must automatically open with no special knowledge.
- Must have a KNOX key box or switch for fire department access. Call the Prevention Bureau for an order form at (805) 543-4244.
- Gate shall have an approved means of emergency operation at all times. CFC 503.6
- Gate must be 2 feet wider than the road on each side.
- Gates must have a turnaround located at each gate.

**Emergency Access:**

All commercial buildings shall install a Knox key box for fire department emergency access. The box shall be installed prior to final inspection of the building. An order form is available from the Prevention Bureau, call for more information at (805) 543-4244.

**Addressing:**

Address numbers must be legible from the roadway and on all buildings. They shall be on a contrasting background and a minimum of 8 inches high with a 1/2" stroke for commercial and 10 inches high for industrial. All occupancies shall have a distinct address. A monument sign displaying the location of all buildings in the complex must be displayed in a prominent location at the entrance to the facility. CFC 505.1 Streets and roads shall be identified with approved signs. CFC 505.2

**Fire Safety during Construction:**

Prior to construction, an operational water supply system and established access roads must be installed. CFC Section 503.1 & 508. During construction all applicable Public Resources Codes must be complied with to prevent a wildfire. These will include the use of spark arresters, adequate clearance around welding operations, smoking restrictions and having extinguishers on site. The Industrial Operations Fire Prevention Field Guide will assist the applicant.



**Special Events:**

All special events shall be approved by the County Fire Department 30 days in advance. A list of Special Events should be submitted each year. The applicant must submit a site plan, a description of the events, the number of anticipated participants, measures taken to mitigate the impact of the events on public safety and a written emergency plan for medical aids, injuries, structure fires, wildland fires and other emergencies. The buildings which will be used for special events must be identified during plan review as they may impact the occupancy classification, thus changing the building requirements. No special events will be allowed in buildings designed for other uses, such as stables and barns unless the building is in full compliance of all requirements for assembly occupancy type. The County Fire Department will review the submitted plans and make comments and necessary requirements.

Sincerely,

A handwritten signature in black ink, appearing to read 'C. I. Bullard', with a long horizontal flourish extending to the right.

Clinton I. Bullard  
Fire Inspector

cc: Brohaugh, Applicant  
Kirk Consulting, Agent





COUNTY OF SAN LUIS OBISPO

**Department of Agriculture/Weights and Measures**

2156 SIERRA WAY, SUITE A • SAN LUIS OBISPO, CALIFORNIA 93401-4556  
ROBERT F. LILLEY (805) 781-5910  
AGRICULTURAL COMMISSIONER/SEALER FAX (805) 781-1035  
www.slocounty.ca.gov/agcomm AgCommSLO@co.slo.ca.us

**DATE:** September 28, 2010  
**TO:** Holly Phipps, Planning Department  
**FROM:** Michael Isensee, Agriculture Department *mqf*  
**SUBJECT:** Brohaugh Winery Minor Use Permit, DRC2009-00109 (Ag#1527)

The Agriculture Department's review finds that the proposed Brohaugh Winery Minor Use Permit to convert an existing exempt structure into a winery at 6792 Creston Road (APNs 035-091-007 and 035-081-003) does not have the potential for significant impacts to agricultural resources or operations with incorporation of the following conditions to minimize any impacts to agriculture and conform to general plan policies:

- Preclude lawn/turf areas, minimize overall irrigated landscaping, and require all landscaped areas to be drip irrigated. This measure minimizes non-agricultural water use and helps to protect groundwater resources for agricultural production.
- Ensure event parking meets the land use ordinance standards and remains unimproved. This measure limits impervious and semi-pervious surfaces, maximizes groundwater recharge, minimizes erosion and sedimentation and protects farmland for agricultural use.

These recommendations are based on policies in the San Luis Obispo County General Plan, the Land Use Ordinance, the California Environmental Quality Act (CEQA), and on current departmental policy to conserve agricultural resources and to provide for public health, safety and welfare while mitigating to the extent feasible the negative impacts of development to agriculture.

If you have any questions, please call 781-5753.



The proposed project is to convert a recently constructed agricultural exempt structure (PMT2005-03347 and PMT2005-03450 completed May 2007) to a winery and tasting room as well as permit the site for up to six annual special events with up to 80 attendees per event in addition to other events which may be permitted at wineries (industry events, non-advertised [member] events).

The project site consists of three *Agriculture*-designated parcels (Three certificates of compliance on APNs 035-091-007 and 035-081-003 via SUB2006-00066) totaling 130 acres and enrolled in a Land Conservation Act contract. The contract limits the use of the property to commercial agricultural production and other uses considered compatible with agricultural production. Each APN is developed with a residence. The proposed winery and tasting room facility is located in an exempt structure. This structure is located thirty feet from the property line which divides the two APNs.

The subject property includes Paso Robles soil types 114, 179, 180 and 188. The winery facility and associated infrastructure is located on NRCS soil types 179 (**Nacimiento-Los Osos complex**, 9-30% slopes, capability class 4/4) and 188 (**Rincon clay loam** 2-9% slope, capability class 2/4, Prime Farmland). The site is planted with 30 acres of vineyard and a small number of olive trees. These crops are primarily planted on soil types 179 and 188.

The proposed project would utilize approximately 1.2 acres of site area consisting primarily of existing access roads and parking for the six requested special events for up to 80 people. The existing exempt facility proposed for conversion totals 2,000 square feet and would be utilized for the production of up to 5,000 cases annually. The tasting room portion of the structure would total 572 sf. The use would not substantially change the existing development footprint of structures on the site as no replacement barn is proposed. Access consists of two existing driveways which connect in front of the proposed winery facility. The applicant proposes no landscaping aside from the existing residential driveway landscaping.

The project as proposed does not appear to have the potential for significant impacts to agricultural resources or operations with incorporation of the following conditions to minimize any impacts to agriculture and conform to general plan policies:

- Preclude lawn/turf areas, minimize overall irrigated landscaping, and require all landscaped areas to be drip irrigated. This measure minimizes non-agricultural water use and helps to protect groundwater resources for agricultural production.
- Ensure event parking meets the standards in the land use ordinance and remains unimproved. This measure limits impervious and semi-pervious surfaces, maximizes groundwater recharge, minimizes erosion and sedimentation and protects farmland for agricultural use.



**Williamson Act Consistency Review for DRC2010-00010 Brohaugh**

Terry Wahler to: Holly Phipps

09/22/2010 09:26 AM

History:

This message has been replied to.

Hi Holly:

Thanks for sending the referral package for DRC2010-00010 - Wally Brohaugh. Wineries, tasting rooms and special events are considered "compatible land uses" for Williamson Act contracted properties according to the Rules of Procedure, Table 2. The minimum parcel size for conveyance is 80 acres on this contract which means he must keep the two parcels together under a single ownership since they are each less than 80 acres in size. At the time of construction, under the previous Rules of Procedure, and the LUO, the two residences were compliant. Under the new Rules, post Laird Bill, the property would be entitled to one residence per 80 acres/legal parcel. Any additional residences would need to comply as "Farm Support Quarters" which are as you know subject to a special farm support quarters agreement recorded with the County Clerk Recorder. Since the two residences were constructed prior to the new Rules of Procedure, the second residence probably does not need to be subject to a "Farm Support Quarters" agreement. If this issue is raised at some point, and a different position is taken, the residence should easily qualify based on the amount of irrigated orchard on the site.

Stop by if you have any questions. Terry

Terry Wahler, Senior Planner  
Land Conservation Program &  
Master Planned Communities  
(805) 781-5621





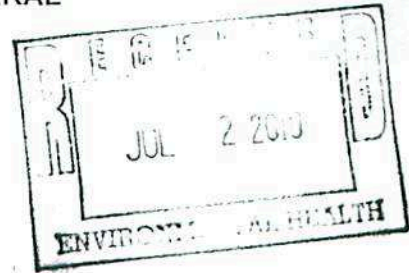
## DEPARTMENT OF PLANNING AND BUILDING

## THIS IS A NEW PROJECT REFERRAL

DATE: 7/1/2009

TO: Env. Health

FROM: Holly Phipps, North County Team



BROHAUGH

PROJECT DESCRIPTION: DRC2009-00109 ERICKSON- MUP conversion of an existing AG exempt barn into a winery and tasting room. 130 acre site located off Creston Road in Paso Robles. APN: 035-091-007.

Return this letter with your comments attached no later than: 14 days from receipt of this referral. By 7/15/2010 please.

## PART 1 - IS THE ATTACHED INFORMATION ADEQUATE TO COMPLETE YOUR REVIEW?

- ☐ YES (Please go on to PART II.)  
☐ NO (Call me ASAP to discuss what else you need. We have only 10 days in which we must obtain comments from outside agencies.)

## PART II - ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

- ☐ YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter)  
☐ NO (Please go on to PART III)

## PART III - INDICATE YOUR RECOMMENDATION FOR FINAL ACTION.

Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial.

IF YOU HAVE "NO COMMENT," PLEASE SO INDICATE, OR CALL.

Please see Atch. Thank you.

7/9/10  
Date

[Signature]  
Name

x 5551  
Phone



# SAN LUIS OBISPO COUNTY HEALTH AGENCY

ATTACHMENT 04



## *Public Health Department*

2191 Johnson Avenue • P.O. Box 1489

San Luis Obispo, California 93406

805-781-5500 • FAX 805-781-5543

*Jeff Hamm*

*Health Agency Director*

*Penny Borenstein, M.D., M.P.H.*

*Health Officer*

July 9, 2010

To: Holly Phipps, North County Team  
Department of Planning and Building

From: Environmental Health  
Leslie Terry

Project Description: DRC2009-00109 Brohaugh –MUP  
APN: 035-091-007  
AG exempt barn conversion to winery and tasting room (special events)

Verify water supply adequacy and potability as needed for proposed use.

Applicant should forward a copy of the Hazardous Materials Questionnaire to this office (it was not included in the referral packet). Contact Linnea Grossman with any questions regarding this form.

If plan review for cross connection determines a device is necessary, then an annual device test requirement shall be added as a condition of this MUP or CUP.

Bread, crackers, pre-cut cheeses and nuts may be served without a health permit. Please contact this office if in the future additional food will be provided to the public. Use only licensed caterers for wine industry events where food may be served.

Verify on-site wastewater system adequacy as needed for proposed use.



## HAZARDOUS MATERIALS QUESTIONNAIRE

State law prohibits a city or a county from issuing Certificate Of Occupancy if a business will handle hazardous materials unless the business has met or is meeting the requirements of a Business Plan for Emergency Response with the County of San Luis Obispo, Environmental Health Services.

For new facilities handling acutely hazardous materials above specified threshold quantities, California Health and Safety Code, Chapter 6.95 requires the submittal of a risk management plan prior to operating.

To determine whether your business is subject to these requirements, please read and complete this questionnaire.

If the answer to any of the questions below is yes, applicant must contact Environmental Health Services at 216 Sierra Way, San Luis Obispo, CA 93406. Telephone (805) 781-5544.

Business Name Wallace Brohaugh	Contact Person Wallace Brohaugh	Telephone number 805-237-8214	
Mailing Address 67925 6996 Creston Rd.	City Paso Robles	State Ca	Zip 93446
Site Address 67925 6996 Creston Rd.	City Paso Robles	Ca	Zip 93446

YES NO

1. ( ) (✓) Will your business activity generate hazardous waste in any quantity?
2. ( ) (✓) Will your business use, handle, store hazardous materials in quantities equal to or greater than 55 gallons, 500 pounds, or 200 cubic feet of compressed gas?
3. ( ) (✓) Will your business use, handle, store carcinogens or human reproductive toxins in any amount?
4. ( ) (✓) Will your business use, handle, store acutely or extremely hazardous materials?
5. ( ) (✓) Will your business use an existing or install an underground storage tank for hazardous substances or waste?

Briefly describe the nature of the business activity or process:

New Winery Project

Jamie Kirk /Mandi Pickens Kirk Consulting

Agent

Print name of owner or authorized agent

Title

*Mandi Pickens*  
Signature of owner or authorized agent

I declare under penalty of perjury that to the best of my knowledge and belief the responses made herein are true and correct.





ATTACHMENT D  
**AIR POLLUTION  
CONTROL DISTRICT**  
COUNTY OF SAN LUIS OBISPO

July 15, 2010

Ms. Holly Phipps  
SLO County Department of Planning & Building  
County Government Center  
San Luis Obispo CA 93401

SUBJECT: APCD Comments Regarding the DRC2009-00109 BROHAUGH/ ERICKSON  
MUP Project Referral.

Dear Ms. Phipps,

Thank you for including the San Luis Obispo County Air Pollution Control District (APCD) in the environmental review process. We have completed our review of the proposed project located at 6792 Creston Road in Paso Robles. The proposed project includes the conversion of an existing agricultural exempt barn into a winery and tasting room, including an area for barrel storage, fermentation, cased good storage, and an office. Wine production at the proposed facility will include all phases of wine making: crush, fermentation, barrel aging, bottling, etc, not to exceed production of 5,000 cases of wine per year from on and off site grapes. The winery is proposing to participate in six winery special events per year with no more than 80 guests at each event. Winery process and visitor access will utilize two driveways that are both decomposed granite, with the tasting area attracting an anticipated 1.4 peak hour trips with 10-20 daily trips. *The following are APCD comments that are pertinent to this project.*

GENERAL COMMENTS

As a commenting agency in the California Environmental Quality Act (CEQA) review process for a project, the APCD assesses air pollution impacts from both the construction and operational phases of a project, with separate significant thresholds for each. **Please address the action items contained in this letter that are highlighted by bold and underlined text.**

CONSTRUCTION PHASE MITIGATION

The APCD staff considered the construction impacts of this development by comparing it against screening models within the APCD's Air Quality Handbook). This indicated that construction phase impacts will likely be less than the APCD's significance threshold values of 137 lbs/day of ROG + NOx and/or 2.5 tons/year of ROG + NOx. Therefore, with the exception of the requirements below, the APCD is not requiring other construction phase mitigation measures for this project.

Demolition Activities

The project referral did not indicate whether there are existing structures on the proposed site that will be demolished. Demolition activities can have potential negative air quality impacts, including issues surrounding proper handling, demolition, and disposal of asbestos containing material (ACM). Asbestos containing materials could be encountered during demolition or remodeling of existing buildings. Asbestos can also be found in utility pipes/pipelines (transite pipes or insulation on pipes). **If utility pipelines are scheduled for removal or relocation; or building(s) are removed or renovated this project may be subject to various regulatory**

3433 Roberto Court • San Luis Obispo, CA 93401 • 805-781-5912 • FAX: 805-781-1002

info@slocleanair.org ❖ www.slocleanair.org

Page 42 of 50

printed on recycled paper



jurisdictions, including the requirements stipulated in the National Emission Standard for Hazardous Air Pollutants (40CFR61, Subpart M - asbestos NESHAP). These requirements include but are not limited to: 1) notification requirements to the District, 2) asbestos survey conducted by a Certified Asbestos Inspector, and, 3) applicable removal and disposal requirements of identified ACM. Please contact the APCD Enforcement Division at 781-5912 for further information.

#### Dust Control Measures

The project, as described above, will not likely exceed the APCD's CEQA significance threshold for construction phase emissions. However, construction activities can generate fugitive dust, which could be a nuisance to local residents and businesses in close proximity to the proposed construction site. Dust complaints could result in a violation of the District's 402 "Nuisance" Rule. **APCD staff recommend the following measures be incorporated into the project to control dust:**

Projects with grading areas that are less than 4-acres and that are not within 1,000 feet of any sensitive receptor shall implement the following mitigation measures to minimize nuisance impacts and to significantly reduce fugitive dust emissions:

- a. Reduce the amount of the disturbed area where possible;
- b. Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible;
- c. All dirt stock-pile areas should be sprayed daily as needed;
- d. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible, and building pads should be laid as soon as possible after grading unless seeding or soil binders are used;
- e. All of these fugitive dust mitigation measures shall be shown on grading and building plans; and,
- f. The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20% opacity, and to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress.

#### Construction Permit Requirements

Based on the information provided, we are unsure of the types of equipment that may be present during the project's construction phase. Portable equipment, 50 horsepower (hp) or greater, used during construction activities will require California statewide portable equipment registration (issued by the California Air Resources Board) or an APCD permit. The following list is provided as a guide to equipment and operations that may have permitting requirements, but should not be viewed as exclusive. For a more detailed listing, refer to page A-5 in the District's CEQA Handbook.

- Power screens, conveyors, diesel engines, and/or crushers;
- Portable generators and equipment with engines that are 50 hp or greater;
- IC engines;



- Concrete batch plants;
- Rock and pavement crushing;
- Tub grinders; and
- Trommel screens.

**To minimize potential delays, prior to the start of the project, please contact the APCD Engineering Division at (805) 781-5912 for specific information regarding permitting requirements.**

#### **OPERATIONAL PHASE MITIGATION**

The APCD staff considered the operational impact of this development by running the URBEMIS2007 computer model, a tool for estimating vehicle travel, fuel use and the resulting emissions related to this project's land uses. This indicated that operational phase impacts will likely be less than the APCD's CEQA significance threshold value of 25 lbs of ROG + NOx combined per day. Therefore, with the exception of the requirements below, the APCD is not requiring other operational phase mitigation measures for this project.

#### **Private Unpaved Road Leading to the Property and or Private Unpaved Driveway with Dust Emissions**

The APCD requested the distance of the unpaved road leading to the project site and information about whether or not the parking area would be paved, and the information was not provided before the due date for this comment letter. The APCD requests that the linear distance of the access road to the proposed site be provided so that APCD staff can evaluate the potential Fugitive Particulate Matter from the activities at the proposed project site.

Should fugitive dust impacts exceed the APCD's CEQA significance threshold value of 25 lbs/day for Fugitive Particulate Matter additional mitigation will be required. In addition, impacts could be a nuisance to local residents and businesses in close proximity to the unpaved road. Dust complaints could result in a violation of the APCD's 402 "Nuisance" rule. **If the distance of the unpaved portion of the road, in combination with the amount of daily trips, and whether or not the parking areas are unpaved, is estimated to exceed the threshold, the applicant will need to minimize nuisance impacts by implementing the following mitigation:**

#### **Private Unpaved Road and or Driveway Mitigation:**

For the private unpaved road and or driveway from Peachy Canyon Road to the project location and for the life of the project:

1. Pave and maintain this road and or driveway; or,
2. For the life of the project, maintain the private unpaved road and or driveway from the beginning of Via Spanish Oaks at Highway 101 to the project location with a dust suppressant (see attached list of APCD Approved Dust Control Suppressants) such that fugitive dust emissions do not exceed the 20% opacity limit identified in APCD's 401 "Visible Emissions" rule and such that offsite dust emissions from the site do not occur.



On the day that the special event shall occur implement the following measures to ensure that fugitive dust emissions do not exceed the 20% opacity limit identified in APCD's 401 "Visible Emissions" rule and such that offsite dust emissions from the site do not occur:

1. Designated parking locations shall be:
  - a. Paved when possible; or
  - b. Sited in grass or low cut dense vegetative areas; or
  - c. Unpaved and treated with a dust suppressant (see attached list of APCD Approved Dust Control Suppressants) such that fugitive dust emissions do not exceed the 20% opacity limit identified in APCD's 401 "Visible Emissions" rule and such that offsite dust emissions from the site do not occur.
2. The unpaved roads/driveways that will be used for the special event shall be maintained with: An APCD approved dust control method such that fugitive dust emissions do not exceed the 20% opacity limit identified in APCD's 401 "Visible Emissions" rule and such that offsite dust emissions from the site do not occur.

To improve the dust suppressant's long-term efficacy, the applicant shall also implement and maintain design standards to ensure vehicles that use the private unpaved road and or driveway from Peachy Canyon Road to the project location are physically limited to a posted speed limit of 15 mph or less.

The applicant may propose other measures of equal effectiveness as replacements by contacting the APCD Planning Division at 781-5912.

#### Operational Permit Requirements

Based on the information provided, we are unsure of the types of equipment that may be present at the site. Operational sources may require APCD permits. The following list is provided as a guide to equipment and operations that may have permitting requirements, but should not be viewed as exclusive. For a more detailed listing, refer to page A-5 in the District's CEQA Handbook.

- New wineries or expanding wineries with the capacity of 26,000 gallons per year or more require a Permit to Operate for fermentation and storage of wine;
- Portable generators and equipment with engines that are 50 hp or greater;
- Boilers; and
- IC Engines.

**To minimize potential delays, prior to the start of the project, please contact the APCD Engineering Division at (805) 781-5912 for specific information regarding permitting requirements.**

#### Tasting Room, Winery and Special Event Greenhouse Gas Impacts and Mitigation

While California successfully passed Assembly Bill 32, California's Global Solutions Act of 2006, little guidance was provided to lead agencies regarding how to address greenhouse gas (GHG) impacts in the CEQA process. In the 2007 California legislative session, Senate Bill 97



July 15, 2010

Page 5 of 5

was passed and required that the California Office of Planning and Research, by July 1, 2009, prepare and develop guidelines for the feasible mitigation of GHG emissions or the effects of GHG emissions as required by CEQA, including, but not limited to, effects associated with transportation or energy consumption. **As guidelines are not currently available, the APCD suggests that projects subject to CEQA should quantify project related GHG emissions for both production volumes and identify feasible mitigation to be implemented.**

Nuisance Odors from Wineries

One concern the District has with wine production facilities is their potential to generate nuisance odors during various steps of the process. **Proven methods for handling wastewater discharge and handling of the skins need to be incorporated into the winery practices to minimize the occurrence of anaerobic processes that mix with ambient air which can result in offsite nuisance odor transport.** Odor complaints could result in a violation of the District's 402 "Nuisance" Rule.

Agricultural Burning

**Agricultural operations must obtain an APCD Agricultural Burn Permit to burn dry agricultural vegetation on Permissive Burn Days. The APCD has sent a courtesy copy of this letter to the applicant and is providing the following links to educational handbooks on agricultural burning (English and Spanish) for the applicant's reference:**

[www.arb.ca.gov/cap/handbooks/agburningsmall.pdf](http://www.arb.ca.gov/cap/handbooks/agburningsmall.pdf)

[www.arb.ca.gov/cap/handbooks/agburningspanishsmall.pdf](http://www.arb.ca.gov/cap/handbooks/agburningspanishsmall.pdf)

Again, thank you for the opportunity to comment on this proposal. If you have any questions or comments, feel free to contact me at 781-5912.

Sincerely,



Meghan Field  
Air Quality Specialist

MDF/

cc: Wallace Brohaugh  
Tim Fuhs, Enforcement Division, APCD  
Gary Willey, Engineering Division, APCD

Attachments:

1. APCD Approved Dust Control Suppressants

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Letter of Transmittal

2011 MAR -8 AM 11:45

Date: March 8, 2011  
To: Holly Phipps  
From: Mandi Pickens  
RE: Developer's Statement, Signed-Brohaugh DRC2009-00109

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Holly,

Please find the attached, signed developer's statement for the above referenced permit. As I understand this will be most likely scheduled for the May 6<sup>th</sup>, 2011 Planning Department Hearing?

Thank you,

Mandi Pickens  
Kirk Consulting  
mandi@kirk-consulting.net  
Phone: 805-461-5765 ext 14  
Fax: 805-462-9466



RECEIVED MAR - 7 2011

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February 28, 2011

DEVELOPER'S STATEMENT FOR  
BROHAUGH  
DRC2009-00109

The applicant agrees to incorporate the following measures into the project. These measures become a part of the project description and therefore become a part of the record of action upon which the environmental determination is based. All development activity must occur in strict compliance with the following mitigation measures. These measures shall be perpetual and run with the land. These measures are binding on all successors in interest of the subject property.

**Note:** The items contained in the boxes labeled "Monitoring" describe the County procedures to be used to ensure compliance with the mitigation measures.

The following mitigation measures address impacts that may occur as a result of the development of the project.

**Agriculture**

- AG-1 Any landscaping associated with the project shall be **drought tolerant** and shall incorporate the use of drip irrigation for watering purposes. **No lawn/turf areas shall be used.**

**Monitoring:** Compliance will be verified by the Department of Planning and Building.

**Air Quality**

- AQ-1 Prior to holding any special events, the applicant shall implement one of the following for the unpaved driveway to the primary access to reduce dust emissions:
- For the life of the project, pave and maintain the road and driveway; or
  - For the life of the project, maintain the unpaved private driveway with a dust suppressant to reduce fugitive dust emissions; or,
  - For the life of the project, post speed limit of 15 mph or less.

**Monitoring:** Compliance will be verified by APCD in consultation with the Department of Planning and Building.



AQ-2 The applicant shall implement the following measures prior to holding any temporary events:

- a. For the life of the project, designated parking locations shall be:
  1. Paved when possible;
  2. Sited in grass or low cut dense vegetative areas; or,
  3. Treated with a dust suppressant such that fugitive dust emissions do not impact offsite areas and do not exceed the APCD 20% opacity limit.
- b. For the life of the project, any unpaved roads/driveways that will be used for the special events shall be maintained with an APCD-approved dust suppressant such that fugitive dust emissions do not impact offsite areas and do not exceed the APCD 20% opacity limit. The applicant may propose alternative measures of equal effectiveness by contacting the APCD Planning Division.
- c. The applicant shall contact the APCD for specific information regarding operation equipment registration and APCD permits. The applicant shall submit to the Planning Department a copy of a letter of exemption for the above or a copy of any required APCD permits.

**Monitoring:** Compliance will be verified by APCD in consultation with the Department of Planning and Building.

AQ-3 As of February 25, 2000, the APCD prohibits developmental burning of vegetative material within San Luis Obispo County. However, under certain circumstances where no technically feasible alternatives are available, limited developmental burning under restrictions may be allowed. Any such exception must complete the following prior to any burning: APCD approval; payment of fee to APCD based on the size of the project; and issuance of a burn permit by the APCD and the local fire department authority. As a part of APCD approval, the applicant shall furnish them with the study of technical feasibility (which includes costs and other constraints) at the time of application. For any questions regarding these requirements, Karen Brooks of APCD's Enforcement Division may be contacted (805/781-5912).

**Monitoring:** Compliance will be verified by APCD in consultation with the Department of Planning and Building.



**Noise**

- N-1 Any special event with amplified music shall only be allowed from 10 a.m. to 5 p.m. No outside amplified music shall occur before 10 a.m. or after 5 p.m. The project shall comply with the County Noise Element.

**Monitoring:** Compliance will be verified by the Department of Planning and Building.

**Transportation and Circulation**

- TR-1 Prior to occupancy or final inspection, the applicant shall construct County Standard B-1e (High Speed and / or High Volume Driveway) driveways at:

- a. The principal access (westerly) driveway. The gate may be closer than 75 feet from the traveled way of Creston Road, but shall conform to Cal Fire requirements; and
- b. The winery delivery access (easterly) driveway as shown on the approved site plan. The gate shall be 75 feet from the traveled way of Creston Road.

**Monitoring:** Compliance will be verified by the Department of Planning and Building.

- TR-2 On-going condition of approval (valid for the life of the project): Any gate constructed on a driveway where off-site grapes are delivered and / or product is exported from the site shall be a minimum of 75 feet from the traveled way of Creston Road.

**Monitoring:** Compliance will be verified by the Department of Planning and Building.

The applicant understands that any changes made to the project description subsequent to this environmental determination must be reviewed by the Environmental Coordinator and may require a new environmental determination for the project. By signing this agreement, the owner(s) agrees to and accepts the incorporation of the above measures into the proposed project description.

Signature of Owner(s)

Date

Name (Print)